

Ruchell Cinque Magee  
CMF, A92051 - T 123  
P.O. Box 2000  
Vacaville, CA 92051

**FILED**

AUG 05 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

U.S. DISTRICT COURT FOR THE  
NORTHERN DISTRICT CALIFORNIA

|                         |   |                               |
|-------------------------|---|-------------------------------|
| Ruchell Magee,          | ) | NO. 21-cv-05432-WHO           |
| Plaintiff,              | ) | -----                         |
| Vs-                     | ) | PLAINTIFF'S RESPONSE TO ORDER |
| Cantil-Sakauye, et al., | ) | TO SHOW CAUSE                 |
| Defendants              | ) |                               |
| -----                   |   |                               |

The Court's ORDER TO SHOW CAUSE IS OR WAS  
MADE WITHOUT JURISDICTION FOR SEVERAL REASONS:

1. Newly evidence shown by the trial  
Jury;
2. The purpose or intent of a jury trial  
was or is to protect against judicial  
(government corruption) ;
3. Pre-filing (gag) Order on jury acquittal  
is fraud document's .

The arbitrary order to show cause resulted from

judge's made law ... designed to get ahead of the jurors  
acquittal with fraud .

To be sure, on July 9, 1971, or about one  
judge Samuel Conti issued its gag rule or pre-filing Order  
against the Clerks filing of legal document's by Angela  
Davis and Ruchell Magee.

According to judge Conti, he was preventing delay of  
state Court trial Of Davis and Magee.

Before, during and after the state trial of  
Davis and the Plaintiff Magee- judge Conti's gag Order  
obstructed filing of the plaintiff's legal documents  
in theh Northern District Court, up and until Judge  
LOwell Jensen came in the Picture changing name of the  
gag order from Judge Conti, to judge Jensen in December  
1994. See gag order entitled Magee Vs- Marshall,  
No.93-3637 DLJ (May 10, 1995.)

Plaintiff filed habeas corpus and Rule 60  
(b) motion . Habeas Corpus shown evidence the Court  
appointed lawyers obtained and raised Double Jeopardy  
Prosecution in the state Courts-argued wrong -providing  
the state Prosecution to rebut in ways that Plaintiff's  
Court appointed Counsel's ineffective assistance allowed  
the state prosecution ways to get arround the Constitutional  
issue regarding the Court's failure record the jury's  
acquittal in open Court. Plaintiff's court appointed

lawyers assistance was the same as " Stunt-man for the Prosecution attorney."

On May 10, 1974, a year after jury acquittal, the plaintiff entered a guilty plea .

On the same day, May 10, 1974, plaintiff motion for withdrawal of the Guilty Plea because:

1. The guilty Plea was forced;
- 2, Guilty Plea cannot be judicially accepted to a charge the plaintiff was acquitted;
3. Court appointed lawyerss and the Prosecutor and judges concealed evidence of the 1960's hate crime frameup to make the plaintiff appear convicted legally in the 1960's.

See Habeas Corpus entitled Ruchell Magee vs- Warden of CMF, No.S.263467) before the Supreme Court of the state of California showing by EXHIBIT in this feederal Court case No.21-cv-05432-WHO, Supra.

The Pre-filing Order cites denials by previous Court who ignored the acquittal and the Los Angeles county conviction on officers of the Court false and Insanity Pleads.

DISCOVERY OF NEW EVIDENCE BY  
THE TRIAL JURY

Declaration of acquittal which could not have

been obtained by the plaintiff prior 2010, because the plaintiff was in prison without legal runner contact and without knowledge of the requirement of Penal Code 1153 Special VERDICTS, the jury foreman Mr. B.J. Suares submitted written declaration, reflecting:

" During deliberations ( which commenced March 27, 1973, and expired April 3, 1973 ) all twelve jurors agreed that the defendant was not guilty of violating Penal Code 209 ( Kidnapping for purpose of extortion )..."

[ Exhibit-One, attached hereto ]

The declaration of acquittal also tell of the jurors giving their acquittal to trial judge (Colvin) who failed to allow the verdicts read in open court as mandated by Penal Code 1153. See North Carolina, 395 U.S. 711, 717, 89 S.Ct. 2072, 2076; also Benton vs-Maryland (1969) 395 U.S. 784, 794.

In the case at Bar, as showing by Habeas Corpus before the California Supreme Court - the evidence of missing records of the Los Angeles County conviction - every court denial of Plaintiff's legal document's was based on piece -meal review- and without the accurate record review.

For instant, the U.S. 9th Circuit court of appeal Judges was undermined with doctored transcript's

( See Magee Vs- Nelson (1972) 455 F. 2d 273, published decision based on the courts believe that the did not hear the false insanity plea. The doctored transcript's was used to make believe that the Plea of Not guilty by reason of insanity was withdrawn ~~XXXXXXXXXXXXXXXXXXXX~~ July 26, 1965- during commencement of trial.

As showing by trial court proceedings, the insanity plea went in the the jury room during deliberation.

It was used to undermind the jury to believe the plaintiff committed the crime of kidnap to rob and pleaded Insane at time of committing the crime.

The officers of the court after doing damages of incrimination on July 28, 1965, out of presente of the Jurors admitted that the insanity plea was false entered by Court appointed counsel.

Afterr the jurors announced their guilty verdicts they was told that the Insanity plea had been withdrawn and there would be no sanity hearing.

The muzzling and chaining of the plaintiff for objecting to the rigged false misrepresentation insanity plea was referred as plaintiff being restrained for his own good- because he kept making outburses after warned by the Court to stop disrupting court proceedings. ( See 455 F.2d 275, Supra.)

Obviously, the State Courts do not want to make any ruling that will make federal judges mad at them- therefore, the state habeas remain under

restrictions - not allowing heard those officers of the Court false guilty and insanity pleads used to get the plaintiff in prison, a target for those ( cowards ) practicing slavery under color of law- without legal power or authority.

It should be noted, that the hate crime frameup of the 1960's show by the records ( Habeas Corpus ) DISCSSED HEREIN to this day of writing meets some of the same mantality creeps because racism is deep in the judicial system. For instant, judge WILLIAM H. ORRICH proves itself miserable and put in plaintiff's case to obstruct justice and impress its kind. Judge Orrich has been ran out of this case - upon sued by the plaintiff and disqualified for racist acts of stagging fraud gag restrictions to deny First Amendment Freedom of Speech- because the racists involved in criminalizing Peoples of color do not want it publicly known that they killed one of their own August 7, 1970 in Marin County as a way of keeping the slave operation a live.

The Ninth (9th) Circus Court of appeal judges manipulated the killing of Judge Harald Haley August 7, 1970, and uses that court and other courts to cover their criminal tracks. Judge Orrich is back in time to be exposed with its conspirators- and prosecuted to the fullest.

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JUDGE ORRICH AND JUDGES ALIKE PREVIOUS  
COVERUP RULING KEEPS AN UNLAWFUL  
PAROLE BOARD IN THE CASE INCREASING  
PRISON TERM

Had not for the 9th Circuit/circus judges unauthorized decision denying access to court, the plaintiff would not be in prison on the false guilty and insanity pleads convictions showing by the state court pending habeas Corpus petition. Meaning the order to show cause in this case is a fraud- citing fraud decisions previous made by corrupted judges trying cover their criminal-tracks.

Judge Orrich and other corrupted judges toy with fraud in the extreme as reasonable competence. A REASONABLE REVIEW OF THE COURT RECORDS WILL PROVES THE 9th Circus judges stupid/criminal joke proves same as those false guilty abd insanity pleads used to under-the jurors to convict... Meaning, the judicial system poses threat to public safty, and some real revolutionary action must be brought foreth to get the organized racism crime out of the millions of oppressed peoples lives.

July 15, 2021, and prior to, the Parole Board.s arbitrary and capricious unsuitability determination, violates plaintiff's liberty interest ... (No reasonable evidence supports this denial of parole under P.C.3041(b).)

The public can live with my release from prison knowing the truth that the plaintiff should never have been railroaded when a youth and after he become an adult.

Let the public know the truth of what's in the federal 9th Circuit Court of Appeal by allowing the public to know that this is a slavery invented law to deny victims access to court. Namely, decision entitled In re Ruchell Cinque Magee, No. 92-80382, 9th Cir, Court of Appeals- made or invented to suppress evidence in open 1992 through July 2921 in violation of the Supreme Court decisions in Kykes vs-Whitley (1995) 115 S.Ct. 1553 - 1566, citing authority in Schlup, 115 S.Ct. 851, 867.

#### CONCLUSION

Since the judge made law requiring the victim's of hate crimes to suffer punishment for exercising First Amendment Speech Right's against racism frame-ups and Double Jeopardy Prosecution's, the gag rule should be vacated and criminal Prosecution be brought against judge Orrich and all criminals of its kind.

I certify under penalty of perjury the foregoing is true and correct.

Executed: July 28, 2021

Ruchell Cinque Magee

**Magee Vs-**

Case Name: Cantil - Sakauye, et al.,  
Case Number: 21-cv-05432-WHO  
Court: U.S. Northern Dist. Calif.

## **PROOF OF SERVICE BY MAIL**

I, Ruchell Cinque Magee declare:

That I am over the age of eighteen years of age and am not a party to the above entitled cause of action. That I reside in Solano County, California at the California Medical Facility, at 1600 California Drive, P.O. Box 2500, Vacaville, California, 95696-2500.

That on July 28, 2021 I served the attached: a true copy of the attached:

### **PLAINTIFF RESPONSE TO ORDER TO SHOW CAUSE**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal legal mail collection system at the California Medical Facility, Vacaville, California, addressed as follows:

**Attorney General**  
455 Golden Gate Avenue  
San Francisco, CA 94112

I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct. That this proof of service was executed on July 28, 2021 at the California Medical Facility, Vacaville, California.

RUCHELL CINQUE MAGEE  
Declarant

Ruchell Cinque Magee  
Declarant's Signature